

MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference (hereinafter “Conference”) was held on Monday, January 8, 2007, at 12:00 p.m. in the 12th Floor Conference Room in the New Castle County Courthouse. The quorum requirement was met, and the Conference members in attendance included:

Members of the Electronic News Media:

Peg Brickley, Dow Jones Newswires
Chris Carl, WDEL
Mark Eichmann, WILM

Members of the Print News Media

Randall Chase, The Associated Press
John Sweeney, The News Journal

Members from the Bench

Chief Judge Chandlee Johnson Kuhn, Family Court
Justice Jack Jacobs, Supreme Court
Judge Peggy Ableman, Superior Court
Judge Flickinger, III, Court of Common Pleas

Members from the Bar

Don Brown, Esquire, DuPont Legal

John Dearing, of WBOC-TV, and Rita Farrell, of Reuters, participated in the meeting via teleconference.

The first agenda item was the approval of the draft minutes from the September 19, 2006 Conference meeting. Given that a quorum was achieved at this January 8, 2006 meeting, Rita Farrell renewed her motion to correct the September 19, 2006 draft minutes to note that the facts and the record show no party has ever used a Conference meeting “as a forum for dissatisfied litigants to seek redress,” as the draft minutes imply. Upon motion, which was duly seconded, the minutes, including the correction, were

unanimously approved as submitted. Accordingly, the correction shall be incorporated into the September 19, 2006 meeting minutes.

The second agenda item was the approval of the draft minutes from the November 20, 2006 Conference meeting. Upon motion, which was duly seconded, the minutes were unanimously approved as a “Record of the Discussion of the Bar-Bench-Media Conference,” rather than as “Minutes of the Meeting of the Bar-Bench-Media Conference.” This reclassification reflects the fact that the November 20, 2006 meeting was merely an informal meeting of the Conference due to the lack of a quorum on that date.

The next agenda item concerned updating the Conference membership roster. Steve Taylor provided said update to the Conference Chair, however the update did not include start and end dates for each member’s term within the Conference.

The next items discussed were the need for (1) new Conference members and (2) a newly appointed Vice Chair of the Conference. Chief Judge Kuhn noted that two individuals from the Bar are due to be appointed as Conference members. Chief Judge Kuhn will contact the President of the Delaware Bar to inquire whether the current Conference members from the Bar will remain as Conference members. If current Conference members from the Bar do not wish to remain, end dates will provided as such. It was suggested that First Amendment attorneys are preferable as new Conference members. David Finger, Esq., and John Parkins, Esq., were recommended appointees by the Conference members. Furthermore, Rita Farrell suggested that Conference members from the Print News Media should caucus to decide who from their media group should be appointed and/or continue to remain as Conference members. Additionally, Mark

Eichmann, a Conference member from the Electronic News Media, was appointed as the new Vice Chair of the Conference.

The next item on the agenda related to amending the Conference Constitution with regard to the quorum requirement and the required number of Conference members. It was agreed that an amendment is not necessary at this time.

Judge Ableman opined that a change in the scheduled Conference meeting times might be helpful in obtaining meeting attendance from the Bench. The Conference members agreed that future meeting times will be modified as follows: lunch to be served at 12:30 p.m. and meeting to commence at 1:00 p.m. Steve Taylor is requested reflect these time changes on the Conference website.

The next agenda item addressed a policy on attendance and/or participation by members of the public at Conference meetings. The Conference members specifically discussed whether members of the public should be permitted to attend Conference meetings and/or speak at such meetings. The concern of the Judiciary is that Conference meetings may provide a forum for active litigants to air grievances concerning their cases and address such grievances to members of the Judiciary that attend Conference meetings. Accordingly, this could translate into a risk of ex parte communication. It was agreed that the primary role of the Conference is to create a forum for discussion between the press and the courts. It was suggested that any policy addressing attendance and/or participation by members of the public at Conference meetings must be created by the Conference itself and not left to the discretion of the Conference Chair. It was also suggested that members of the public might contact a Conference member from the Media if that individual wishes to address the Conference at a meeting. Another

suggestion was to create a public forum, possibly on an annual basis, whereby members of the public can address the Conference, rather than address the Conference at a meeting. Upon motion, which was duly seconded, the Conference approved an interpretation of 5(b) of the Conference Constitution (“[m]eetings of the Conference shall be open to the public”) to mean that members of the public may attend Conference meetings but are not permitted to speak.

Justice Jacobs also suggested, with regards to the possibility of creating a public meeting whereby members of the public could voice comments and concerns to the Conference, that such meeting might be supported by the courts, the media, and/or the Delaware Bar. Chief Judge Kuhn responded by suggesting that Franny Haney be invited to the next Conference meeting to discuss the development of such public program.

The next item on the agenda concerned the public access terminal in the Superior Court. Judge Ableman reported that she met with Sean O’Sullivan recently, and the Superior Court will be getting a terminal in the Press Room. Judge Ableman will provide another update at the next Conference meeting.

The next item discussed was the video report on Disney. Chief Judge Kuhn offered to contact Steve Taylor regarding this report. Rita Farrell offered to work with Steve on the report. Peg Brinkley may also opt to work with Steve on the network connect issue. Chief Judge Kuhn will request that Steve contact Rita and Peg shortly.

The next item on the agenda concerned the matter of scheduling a workshop for reporters covering the courthouse. Chief Judge Kuhn stated that she will contact Franny Haney on this issue. Claire DeMatteis, Esq. and Ron Brown, Esq. have already begun collaborating on a template for the workshop, but said collaboration has come to a

standstill. Chief Judge Kuhn will have Franny contact Don directly. Chief Judge Kuhn also stated that she will invite Franny to the next Conference meeting and have Franny contact John Dearing as well. John opined that 10-20 reporters from his organization will likely attend this type of workshop.

The final item discussed related to the status of a request made by the Conference last year to Chief Justice Steele asking that camera coverage be expanded to include certain criminal procedures. It was suggested that Justice Jacobs might follow up on this issue to confirm whether any action has been taken.

A motion to adjourn was duly seconded and unanimously approved. The next meeting of the Conference will take place on March 12, 2007 in the 12th Floor Conference Room of the New Castle County Courthouse. Lunch will be served promptly at 12:30 p.m. and the meeting will begin at 1:00 p.m.